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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,688	10/17/2003	Ulrich H. Petri	043336-9015-00	9361

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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,688

Applicant(s)

PETRI ET AL.

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23, 26, 27, 29-35 and 38-43 is/are rejected.
- 7) ☒ Claim(s) 22, 24, 25, 28, 36, 37 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/17/03 and 5/10/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is the first office action for application serial number 10/687,688. This application contains claims numbered 21-44. Claims 1-20 have been canceled. Claims 26-44 have been added.

2. Applicant's election without traverse of the invention Group III, the species of Figures 1-5, claims 21-25 in the reply filed on 10/18/05 is acknowledged. Applicants have also added new claims 26-44, which are drawn to a conveyor assembly is also acknowledged.

Currently, claims 21-44 are readable to the elected species. Applicants have canceled claims 1-20, therefore no claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim.

3. IDSs filed 10/17/03 and 5/10/04 have been reviewed and considered. Copies of which are attached. It should be noted that the IDS filed on 5/10/2004 has been crossed out since examiner is unable to see the figures clearly. If Applicants would like those NPL documents to be considering by the office, eligible copies must be submitted as required by 37 CFR 1.98 (a)(2).

4. Claim 29 appears to be a typographical error, claim "72" should be corrected to

-- 27 --.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 23, 26-27, 29-35 and 38-43 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent No. FR 268,2366 to Louis (of record).

Regarding claim 21, Louis discloses a conveyor assembly comprising: a conveyor (15); and a plurality of container handling assemblies (17) coupled to the conveyor (see Fig. 1), each of the container handling assemblies including, a mounting member (28, 29, 30, 30') (Fig. 8) coupled to the conveyor (at 28); a support member (31) releasably engaged to the mounting member; and a one-piece retainer (30'') releasably coupled to the support member, the retainer including a first arm portion (44), a second arm portion (opposite end of 44), and a base portion (between 44 and opposite end of 44) and interconnecting the first and second arm portions such that a container can be engaged and retained by the first and second arm portions; wherein the retainer can be uncoupled from the support member without the use of tools upon disengagement of the support member from the mounting member.

Regarding claim 23, Louis support member appears to be releasable from the mounting member without the use of tools.

Regarding claims 26-27, Louis discloses a conveyor (15); and a plurality of container handling assemblies (17) coupled to the conveyor and configured to grip and

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support a container, each container handling assembly including a support member (31) coupled to the conveyor through a mounting member (28, 29, 30, 30'); and a one-piece retainer (30'') releasably coupled to the support member, the retainer configured to engage a container wherein the retainer includes a first arm portion (44, a second arm portion (opposite end), and a base portion interconnecting the first and second arm portions.

Regarding claims 29-30, Louis shows each of the arm portions including an arcuate portion, and wherein the container is securable between the respective arcuate portions of the first and second arms portions; and the retainer being substantially circular in cross-section.

Regarding claims 31-32, Louis also shows the support member including spaced apart projections (41, 42) each defining a groove therein (Fig. 4), and wherein the retainer appears to be positionable in the grooves to be coupled to the support member; and the retainer being releasable from the support member without the use of tools.

Regarding claims 33-34, Louis also shows the mounting member coupled to the conveyor and configured for releasably engaging the support member to couple the support member to the conveyor, the retainer being releasable from the support member only when the support member is disengaged from the mounting member; the support member appears to be or can be being releasable from the mounting member without the use of tools, and the retainer also appears to be or can be releasable from the support member without the use of tools.

Regarding claim 35, Louis also discloses the retainer being captured in position by a portion of the support member and a portion of the mounting member without the use of conventional fasteners.

Regarding claims 38-40, Louis shows a conveyor; and a plurality of container handling assemblies coupled to the conveyor, each of the container handling assemblies including, a one-piece retainer means (30'') releasably coupled to the conveyor for engaging and retaining a container; and means (228, 29, 30, 30') for mounting the retainer means to the conveyor, wherein the means for mounting the retainer means does not require the use of tools to mount the retainer means to the conveyor; the means for mounting the retainer means includes a mounting member (28, 29) coupled to the conveyor and a support member (31) coupled to the mounting member, the mounting member and the support member together defining means for capturing and securing the retainer means with respect to the conveyor.

Regarding claims 41-42, Louis also shows the means for capturing and securing the retainer means does not include conventional fasteners; and the support member and the mounting member together define means for releasing the support member from the mounting member without the use of tools.

Regarding claims 43, Louis further shows the retainer means includes first and second arm portions connected by a base portion such that the container can be engaged and retained between the first and second arm portions.

Claims 26-27, 29-30, 31-33, 38, 40-41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent no. 3,574,713 to Duff et al.

Regarding claims 26-27, Duff et al. discloses a conveyor (24); and a plurality of container handling assemblies coupled to the conveyor and configured to grip and support a container, each container handling assembly including a support member (38) coupled to the conveyor through a mounting member (28, 29, 30, 30'); and a one-piece retainer (40) releasably coupled to the support member, the retainer configured to engage a container wherein the retainer includes a first arm portion (42, a second arm portion (opposite end), and a base portion interconnecting the first and second arm portions.

Regarding claims 29-30, Duff et al. shows each of the arm portions including a substantially arcuate portion, and wherein the container is securable between the respective arcuate portions of the first and second arms portions; and the retainer being substantially circular in cross-section.

Regarding claims 31-32, Duff et al. further shows the support member including spaced apart projections (mounted to 38) each defining a groove therein, and wherein the retainer appears to be positionable in the grooves to be coupled to the support member; and the retainer being releasable from the support member without the use of tools.

Regarding claim 33, Duff et al. also shows the mounting member coupled to the conveyor and can be configured for releasably engaging the support member to couple

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the support member to the conveyor, the retainer being releasable from the support member only when the support member is disengaged from the mounting member.

Regarding claim 38 and 40, Duff et al. shows a conveyor; and a plurality of container handling assemblies coupled to the conveyor, each of the container handling assemblies including, a one-piece retainer means (40, 42') releasably coupled to the conveyor for engaging and retaining a container; and means (38) for mounting the retainer means to the conveyor; the means for mounting the retainer means includes a mounting member (38) coupled to the conveyor and a support member (26) coupled to the mounting member, the mounting member and the support member together defining means for capturing and securing the retainer means with respect to the conveyor.

Regarding claims 41, Duff et al. also shows the means for capturing and securing the retainer means not include conventional fasteners.

Regarding claims 43, Duff et al. further shows the retainer means includes first and second arm portions (42, 44) connected by a base portion such that the container can be engaged and retained between the first and second arm portions.

### ***Allowable Subject Matter***

6. Claims 22, 24-25, 28, 36-37 and 44 are objected, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.



***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,109,446 to Krohn et al.

5,762,116 to Moore

4,807,421 to Araki et al.

4,200,183 to Riggs

1,934,250 to Wynne et al.

The above patents disclose various types of apparatuses for filling and crowning containers/bottles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
Patent examiner  
January 15, 2005